

atarricone@kreindler.com

January 8, 2015

VIA ECF FILING

The Honorable Charles R. Breyer
United States District Judge
Northern District of California
450 Golden Gate Avenue, Dept. 6
San Francisco, CA 94102-3483

Re: In re: Volkswagen “Clean Diesel” Marketing, Sales Practices and Products Liability Litigation (MDL No. 2672)

Dear Judge Breyer:

In accordance with Pretrial Order No. 2 dated December 22, 2015, I am submitting this application to be appointed to the Plaintiffs’ Steering Committee, as a representative for vehicle owners and lessees.¹ I am a partner with Kreindler & Kreindler LLP (“Kreindler”). We are a national law firm of 25 lawyers with offices in Los Angeles, Boston, and New York. Kreindler currently represents over 600 putative plaintiffs in the Volkswagen Clean Diesel Multi District Litigation. Our clients hail from virtually every state in the country. Our firm has the experience, resources, and commitment to aggressively, yet professionally and courteously, litigate this action.²

About Kreindler & Kreindler LLP

Kreindler has a long and deep history of representing plaintiffs in complex mass tort and class action litigation with a special emphasis on multi-jurisdictional damages issues. Our firm and its lawyers have been appointed by courts around the country to committee leadership positions in dozens of consolidated cases including: *In re: Toyota Motor Company Unintended Acceleration Cases*, MDL-2151 (E.D.CA) (Plaintiffs’ Liaison Counsel to State and Other Types of Federal Cases); *In re: Oil Spill by the Oil Rig “Deepwater Horizon”*, MDL-2179 (E.D.LA) (Plaintiffs’ Steering Committee (“PSC”) Workgroup Coordinator); *Consolidated Turkish Airlines Flight 1951, Feb. 25, 2010 Amsterdam Crash (Cook County Ill)*; *In re: TD Ameritrade*

¹ On November 12, 2015, I filed a complaint in the District Court of Massachusetts, where I am admitted to practice, on behalf of Plaintiff Paul Germain-Cummings and similarly situated plaintiffs, Case No.:4:15-cv-40153. On December 21, 2015, the *Cummings* matter was closed in the District Court of Massachusetts and transferred to the “Clean Diesel” MDL. The case was assigned the new case number 3:15-cv-06008. My application for admission to practice *pro hac vice* is currently pending before this Court.

² Attached to this letter you will find my resume (Attachment 1), a list of attorneys who have also filed actions in this case and support my appointment to the Plaintiffs’ Steering Committee (Attachment 2), and references for the judges I have appeared before in other MDLs in which I held a leadership position (Attachment 3).

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Account Holder Litigation, Master File No. C-07-2852 VRW (N.D. CA) (after denial of final approval of class action settlement, Kreindler appointed as class counsel); *In re: Crown Princess Listing Cases*, Master Case No. BC356095 (Los Angeles Sup.Ct.) (one of four Lead Counsel for 250 lawsuits arising from the listing of 3,500 passenger cruise ship); *In re: September 11 Litigation*, 21 MC 97 (AKH) (S.D.N.Y.).

Members of the firm authored the treatises New York Law of Torts (West) and Aviation Accident Law (Matthew Bender). Kreindler lawyers led the trial work that resulted in some of the most important plaintiffs' verdicts and settlements in history, the Pan Am Lockerbie Flight 103 disaster, the TWA Flight 800 crash, and the 9/11 litigation.

For the past fifteen years, our firm has been a driving force in the establishment and administration of the September 11 Victim Compensation Fund, which was originally created in the wake of 9/11 to fairly and efficiently resolve the numerous claims arising out of the attacks, and was reopened to administer claims for first responders who developed illnesses as a result of the rescue and recovery at Ground Zero. Our firm represented thousands of claimants in the VCF. Kreindler partner, Jim Kreindler, has chaired the 9/11 Plaintiffs' Steering Committee for Death and Personal Injury for the duration of that time.

Kenneth Feinberg, whom Volkswagen recently hired to handle the claims against it, served as Special Master of the original VCF. My firm had direct and significant involvement with Mr. Feinberg for many years. We handled hundreds of claim submissions in the original VCF and conducted hundreds of hearings with Mr. Feinberg. Working with Mr. Feinberg, we helped to formulate many of the policies and procedures implemented by the VCF and the United States Department of Justice, which continue to positively impact 9/11 survivors, first responders, and their families who currently receive compensation through the fund.

In addition, we have worked with Mr. Feinberg on other large complex litigation matters in which he served as a Special Master, including the General Motors ignition switch claims and the BP Gulf Coast Oil Spill litigation. My firm and I enjoy an unparalleled professional relationship with Mr. Feinberg, which I believe will be a great asset to the Steering Committee's ability to come to a quick resolution with Volkswagen in this matter.

We Will Be Dedicated to the Litigation Regardless of the Time or Expense

For decades, Kreindler has expended significant monies and attorney hours in order to reach the best result for our clients, and we will do so in this matter. Our firm has the resources and commitment to bring this matter to a just and expeditious resolution. At least six Kreindler attorneys, including four partners, are already working on this case.

Our Experience

I am a recent past-president of the American Association for Justice (formerly ATLA), the leading plaintiffs' lawyer organization in the world. I am an experienced trial lawyer and a tireless advocate for individuals and families that have suffered the physical, emotional and financial devastation of catastrophic injury or accidental death. Early in my career, I worked for nearly 10 years on multiple cases arising from the corporate freeze-out of the public stockholders of the New England Patriots football team, successfully representing the plaintiffs in state and federal class actions. I have a history of working harmoniously and effectively in settings

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involving diverse parties and interests and have worked with many of the lawyers and firms involved with the Volkswagen Clean Diesel cases. I am a recognized leader of the trial bar, author and an internationally known speaker in the area of complex litigation and the civil justice system.

I have a long and proven history litigating complex consolidated and MDL mass tort cases, which include: (1) Appointed member of the Executive Committee for the matter *In re: National Football League Players' Concussion Injury Litigation* MDL No. 2:12-md-02323 (E.D.P.A.), before the Honorable Anita Brody; (2) Appointed member of the Plaintiffs' Steering Committee and Workgroup Coordinator for the matter *In re: Oil Spill by the Oil Rig "Deepwater Horizon"*, MDL-2179 (E.D.LA), before The Honorable Carl J. Barbier; (3) Appointed Member of Plaintiffs' Executive Committee and as Plaintiffs' Liaison Counsel for the matter *In Re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*, MDL-02428 (D.MA), before The Honorable Douglas P. Woodlock; and (4) Appointed Member of the Plaintiffs' Steering Committee for the matter *In Re: Zofran (Ondansetron)Products Liability Litigation*, MDL-2657 (D.MA), before The Honorable F. Dennis Saylor, IV.

Please let me also briefly introduce two of my partners who have been instrumental to our involvement in this litigation.

- **Daniel O. Rose** Daniel O. Rose has litigated a wide variety of wrongful death and significant personal injury cases. He has prosecuted numerous mass torts and complex litigation cases, including several automotive products liability actions against Ford, General Motors, Nissan, and Volvo. He has previously litigated against Hertzfeld and Rubin, counsel for Volkswagen, during a Ford products liability case. Mr. Rose held leadership positions in many of the consolidated litigations where he appeared as counsel. He was appointed as a member of the Plaintiffs' Steering Committee for the matter *In re: Air Crash At Belle Harbor*, MDL-1448 (S.D.N.Y.) in which he appeared before The Honorable Robert S. Sweet. He was appointed as a member for the Plaintiffs' Executive Committee for the matter *In re: Air Crash Near Clarence Center*, MDL-2085 (W.D.N.Y.), in which he appeared before The Honorable William M. Skretny. He further served as a member of the Plaintiffs' Steering Committee for the matter *In re Comair Flight 5191*, No. 5:06-CV-316 (E.D.KY), before the Honorable Karl S. Forester.
- **James P. Kreindler** Jim Kreindler is a recognized expert in complex aviation accident and terrorist litigation. He led the Plaintiffs' Committee in the Pan Am 103 families' suit against Libya, which produced \$2.7 billion in additional compensation for the families of the Lockerbie victims, after serving as a member of the trial team in the case against the air carrier. He is co-chair of the Plaintiffs' Committee in the 9/11 Litigation against financiers and sponsors of al-Qaeda, including Saudi Arabia, Iran, and Sudan. He served as Chairman of the Plaintiffs' Committee in the February 12, 2009 Colgan Air crash in Buffalo, New York. Mr. Kreindler is a frequent lecturer on Aviation Accident Litigation and Terrorism Litigation throughout North and South America and Europe.

Commitment to Cooperation

On the multiple occasions where I served as a leader in the MDLs, I demonstrated my ability to work cooperatively and forge a consensus with both plaintiffs' counsel and defense

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counsel, including the Cotchett, Pitre & McCarthy firm, Baron & Budd, P.C., and the Bernstein Litowitz Firm, who represent a large class of litigants in this lawsuit and have a significant stake in ensuring that their clients' interests are protected. Cooperation and consensus building on both sides is at the very heart of a successful MDL litigation, and they are principles I will certainly work to safeguard as a member of the Plaintiffs' Steering Committee so that we can reach a fair and efficient resolution to this matter.

Respectfully,

KREINDLER & KREINDLER LLP

/s/ Anthony Tarricone

Anthony Tarricone
Kreindler & Kreindler LLP
855 Boylston Street
Boston, Massachusetts 02116
Telephone: (617) 424-9100
Facsimile: (617) 424-9120
ATarricone@Kreindler.com